IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09-24
v.	:	
SHEKIA MYERS	:	

GOVERNMENT'S PLEA MEMORANDUM

The defendant was charged in an indictment with six counts of making a false statement in the acquisition of a firearm, in violation of 18 U.S.C. § 924(a)(1)(A), arising from her actions in making false statements while purchasing six firearms. Through her attorney, the defendant has notified the government that she intends to plead guilty. There is no plea agreement in this case.

OFFENSE CHARGED AND ELEMENTS OF THE OFFENSE

Making a false statement in the acquisition of a firearm is a violation of 18 U.S.C. § 924(a)(1)(A), which states in pertinent part as follows:

> (a)(1) whoever–(A) knowingly makes any false statement or representation with respect to the information required by this chapter [18 U.S.C. § 921 et.seq.] to be kept in the records of a person licensed under this chapter [is guilty of an offense against the United States].

The elements of this offense are:

1. The defendant knowingly made a false statement to a licensed firearms dealer

2. That the statement pertained to information that the law requires a federal firearms dealer to maintain.

MAXIMUM PENALTY

The maximum penalty for a violation of 18 U.S.C. § 924(a)(1)(A) is five years in prison, three years supervised release, a $250,000 fine, and a $100 special assessment on each count. Counts one through four merge at sentencing. The total maximum penalty is therefore 15 years in prison, three years supervised release, a $750,000 fine, and a $300 special assessment.

EVIDENCE

On February 2, 2004, Shekia Myers, using the address of 2729 West Diamond St., Apt. B, Philadelphia, PA 19121 purchased the four firearms involved in counts one through four from federal firearms licencee (FFL) C& C Sports Center, 101 Geiger Road, Philadelphia, PA:

MAKE	MODEL	DESCRIPTION	SERIAL NUMBER
Hi-Point	CF380	.38 caliber pistol	P798943
Glock	23	.40 caliber pistol	AWP911US
Glock	27	.40 caliber pistol	FKT083
Ruger	P97	.45 caliber pistol	663-61219

On March 10, 2004, the Winslow, New Jersey police asked ATF S/A Adam Cameron to run a trace on the Glock, which had been found in the possession of an individual who had been arrested for possessing the firearm. Cameron obtained the Firearms Transaction Records for what turned out to be four firearms purchased by the defendant on February 2, 2004. Myers had completed four forms–one for each firearm-- using the Diamond Street address, and by answering question 12 on ATF Form 4473 in the affirmative. That question reads: "Are you the actual buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you." The form further required that a buyer certify that "I understand that answering 'yes' to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony."

On March 11, 2004, Special Agents Cameron and Burnett attempted to interview Myers at the Diamond Street address. Testimony would be presented from the residents of that address that while the defendant visited the address at times, she did not live there. Witnesses would identify a photograph of the individual arrested in possession of the firearm as a friend of the defendant.

On March 16, 2004, Special Agent Cameron interviewed Myers at the ATF office in Camden. Myers was informed that one of the firearms she purchased on February 2, 2004 had been recovered during an arrest for a crime in New Jersey. Myers initially stated that an ex-boyfriend stole her firearms, but later stated that she purchased the firearms for him. After being advised of her rights, the defendant waived her rights, and signed a written waiver. She also agreed to have the statement be recorded.

According to Myers, on February 2, 2009, an old boy friend and his friend picked her up and drove her to C& C Sports Center,. The three of them entered the gun store together. The defendant said that she purchased the Hi-Point for herself, and that her ex-boyfriend picked out the other three firearms for her to buy for him. She completed the paperwork for all four guns. Her ex-boyfriend handed her the money for his guns–approximately $1,300–in view of the sales clerk. Her ex-boyfriend told her that he was buying the guns for his "boys."

The defendant stated that after the purchase they returned to the defendant's apartment in Philadelphia. Later, she left the firearms in her apartment, and left for a few days. When she returned to her apartment a few days later, all four guns were gone. The ex-boyfriend had the key to her apartment, and came in and out at will. The defendant claimed that she was not paid any money for purchasing the firearms.

According to the defendant, a few weeks after the initial purchase, the ex-boyfriend approached her and asked her to purchase more firearms for him. She told the agents that she did not want to buy the guns, but that the ex-boyfriend threatened her with bodily harm if she did not make the purchases for him. She and the ex-boyfriend drove to Mike and Kate's Sports Shoppe, 7492 Oxford Street, Philadelphia. The ex-boyfriend gave her $600 and sent her into the store to get a gun. The defendant said that she picked out a 9 mm Taurus with a laser sight that cost more than $600. She went back out to the car, and got additional money from her ex-boyfriend to complete the purchase.

The defendant told the agents that the ex-boyfriend advised her to report the guns as stolen to the Philadelphia Police Department. The ex-boyfriend also told her that he was going to use a device to remove the serial numbers so that the number would not come back to her. She later told the other man who had accompanied them to the gun shop during the first purchase that she was scared, and he advised her to report the fifth gun as stolen. The defendant admitted that she lied on the form when she said that the firearms were purchased for herself.

The agents obtained the ATF Firarms Transaction Record from Mike and Kates Sport Shoppe for the sale of this firearm (count six), which actually took place on February 5, 2004, three days after the initial purchase. The defendant had used the same false address, and had given the same false answer to the question as to whether Myers was the actual buyer of this firearm, which is described below:

MAKE	MODEL	DESCRIPTION	SERIAL NO.
Taurus	PT-108	9mm pistol	TNL-30044

On April 7, 2004, Special Agents Cameron, Kara Rhoads and Steven Rhoads interviewed the defendant in Fairmont Park, after it was determined that defendant had made the same false statements on the purchase of another firearm (count five). The following firearm had been purchased from the Shooter Shop of Philadelphia, 2001 E. Allegheny Ave., Philadelphia, PA 19134 on February 2, 2004:

MAKE	MODEL	DESCRIPTION	SERIAL NO.
Ruger	94	40 mm pistol	341-34595

The defendant stated that she purchased a 40 caliber firearm for another individual on February 2, 2004 at the Shooter's Shop in Philadelphia, the same day she purchased the four firearms about which she had initially been questioned (counts one through four). She could not recollect the manufacturer.

This is a summary of what the government would prove to establish the essential elements of the offenses, and not a complete review of the evidence the government would present at trial.

Respectfully submitted,

LAURIE MAGID
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Judy Goldstein Smith

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Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that I caused a copy of the Government's Change of Plea memorandum will be served by hand delivery on:

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April 9, 2009